

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JASON VICTOR BAUTISTA,

Petitioner,

**V.**

LARRY SMALL, Warden,

Respondent.

Case No. SACV 08-0693-VBF (JTL)

## ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the Petition for Writ of Habeas Corpus, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. Objections to the Report and Recommendation have been filed herein. Having made a de novo determination of those portions of the Report and Recommendation to which objection has been made, the Court concurs with and adopts the findings, conclusions and recommendations set forth in the Report and Recommendation of the Magistrate Judge.

IT IS ORDERED that judgment be entered dismissing the Petition for Writ of Habeas Corpus without prejudice.

1/10 - R. K. Zwick

DATED: November 25, 2008

Valerie Baker Fairbank

VALERIE BAKER FAIRBANK  
UNITED STATES DISTRICT JUDGE